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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,146	08/08/2000	Timothy M. Schmidl	TI-30673	2896
23494	7590	07/06/2005	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			MOORE JR, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/635,146

Applicant(s)

SCHMIDL ET AL.

Examiner

Michael J. Moore, Jr.

Art Unit

2666

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: 6-10,15,25,28 and 32.
Claim(s) rejected: 1-5,11-13,16-18,20-24,26 and 29-31.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Michael J. Moore, Jr. **MM**
Examiner
AU 2666

Continuation of 3. NOTE:

Regarding objections of claims 1-10,15,18,25,28, and 32, it has been verified that "Bluetooth" is a registered trademark of the "Bluetooth" SIG and should therefore be indicated as such.

Regarding claims 16-18 and 20-22, Applicant argues that since claims 16 and 19 were originally filed as part of the original specification, that no new matter is added. However, while it is agreed that claims 16 and 19 were originally filed as part of the original specification, claim 19 originally depended upon claim 17 rather than claim 16. Therefore, the combination of the limitations of only claims 16 and 19 was not present in the original specification. Therefore, it is held that this constitutes new matter.

Regarding claims 1-4, these claims are rejected for the reasons indicated in the previous Office Action. Applicant further argues that the limitations of claim 5 are redundant with respect to claim 1. While it is agreed that the "Bluetooth" protocol is a wireless protocol, claim 5 has been rejected under 35 U.S.C. 103(a) while claim 6 (which includes the limitations of claim 5) has been objected to as being dependent upon rejected claim 5, but would be allowable if rewritten in independent form including all of the limitations of claim 5.

Regarding claim 23, the amendments made to this claim raise new issues that would require further consideration. Claim 25 was objected to as being dependent on rejected claim 24, but would be allowable if rewritten in independent form including all of the limitations of claim 24. However, in Applicant's amendment, claim 23 was amended to include limitations of claims 24 and 25 rather than rewriting claim 25 in independent form.

Regarding claims 11 and 26, Applicant argues that the extended address (EAF) field of Sharpe (U.S. 6,094,146) is always present and that it is not extended in response to identification information or selectively extended by a packet processor. Applicant further argues that claim 11 requires "extending the address field" responsive to the identification information" and not in response to data reception. However, it is held that the reception of data by a primary station that is to be sent to a secondary station constitutes the reception of "identification information" as this data contains address information indicating where it is to be sent.

Regarding claim 29, Applicant argues that the first two digits of the message following the address code word of Sharpe do not correspond to error check information. However, Applicant has not further defined error check information in claim 29. Therefore, using a broadest reasonable interpretation, it is held that the first two digits of the message following the address code word of Sharpe correspond to error check information.



FRANK DUONG
PRIMARY EXAMINER